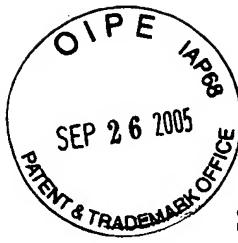


JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David R. Fischell

Serial No. : 10/765,040 : Art Unit #3762

Filed : 18 January 2004 : Examiner: J. Rosenzweig

Title : SYSTEM FOR PATIENT ALERTING  
ASSOCIATED WITH A CARDIAC EVENTRESPONSE TO RESTRICTION REQUIREMENT

Mail Stop NO FEE  
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant, by the undersigned attorney hereby responds to the outstanding Official action dated 25 August 2005 which is a Restriction Requirement. Please enter the following remarks:

**Remarks/Arguments begin on page 2 of this paper.**

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Appln. No. 10/765,040  
Reply to Office Action dated 8/25/2005

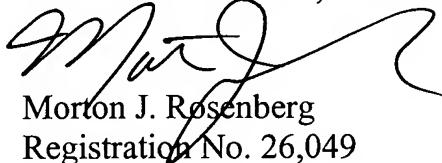
This case has been reviewed and analyzed in view of the Official Action dated 25 August 2005. In the Official Action, the Examiner has found two inventions, namely, Group I directed to Claims 1-121 drawn to a detection device for detecting cardiac events which could include a pacemaker or implantable cardiac defibrillator or a combination or any combination of the two; and Group II directed to Claims 122-128 drawn to a process of sensing a cardiac event. Additionally, the Examiner has imposed a further restriction to the following Species: Species I directed to detection devices; Species II directed to pacemakers with detection devices; Species III directed to implantable cardiac defibrillators with detection devices; and Species IV directed to pacemakers and cardiac defibrillators with detection devices. The Examiner has required that Applicant chose one Group and one Species for further prosecution in this case.

By this Response, Applicant elects Group I directed to Claims 1-121 and Species I directed to a detection device directed to Claims 1-40. Thus, Applicant elects Claims 1-40 for further prosecution.

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It is now believed that the subject patent application has been placed in condition for examination and such action is respectfully requested.

Respectfully submitted,  
FOR: ROSENBERG, KLEIN & LEE



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Dated: 23 Sept 2005

Customer No.  
**04586**